

ORDINANCE NO. 2018-064

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA ADOPTING A TEXT AMENDMENT TO THE FUTURE LAND USE ELEMENT OF THE HIALEAH, FLA., COMPREHENSIVE PLAN TO INCORPORATE RESIDENTIAL USES AND CORRESPONDING POLICIES AND OBJECTIVES IN CONNECTION WITH THE PROPOSED REDEVELOPMENT OF THE MIXED USE HIALEAH HEIGHTS LAND USE CLASSIFICATION AS SET FORTH IN EXHIBIT "A"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board on April 11, 2017 recommended the adoption of the text amendment to the Future Land Use Element of the City of Hialeah Comprehensive Plan to incorporate residential uses, and provide for development and redevelopment in connection with the mixed use Hialeah Heights Land Use Classification; and

WHEREAS, the City Council passed Hialeah, Fla., Resolution 2018-040 (April 24, 2018) and declared its intent to adopt the text amendment, and adopted the recommendation of the Planning and Zoning Board submitted to the Florida Department of Economic Opportunity for approval; and

WHEREAS, on June 7, 2018 the Department reviewed the proposed text amendment (Department reference number: "18-1ESR") in accordance with the State of Florida expedited review process set for in section 163.3184 for consistency with the Hialeah, Fla., Comprehensive Plan, and Chapter 163, Part II, Florida Statutes, and the Department issued no objections, recommendations nor comments; and

WHEREAS, the City recognizes the necessity to develop and maintain ongoing City programs designed to encourage and facilitate the rehabilitation of neglected or underused structures, while addressing a strong demand for residential uses.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: The Mayor and the City Council of the City of Hialeah, Florida hereby approve and adopt the text amendment to the commercial recreation land use classification to the Future Land Use Element of the City of Hialeah Comprehensive Plan to incorporate residential uses. This text amendment (Exhibit "A"), which is made a part hereof for all purposes, shall be on file in the Office of the City Clerk.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

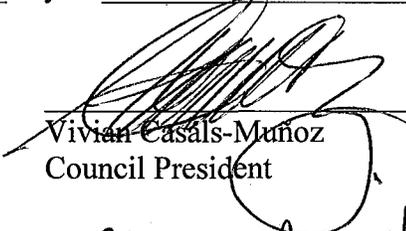
Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

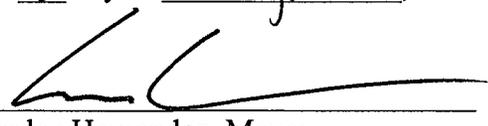
Pursuant to Florida Statutes §163.3184(3)(c)4 the effective date of this plan amendment shall be thirty-one (31) days after the state land planning agency notifies the City that the plan amendment package is complete or if timely challenged, the date a final order is issued by the land planning agency or Administration Commission finding the amendment in compliance in accordance with section 163.3184, Florida Statutes, whichever occurs earlier.

PASSED and ADOPTED this 14 day of August, 2018.



Vivian Casals-Munoz
Council President

Approved on this 20 day of August, 2018.



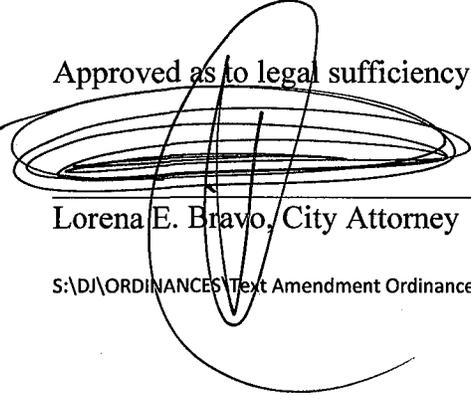
Carlos Hernandez, Mayor

Attest:



Marbelys Fatjo, City Clerk

Approved as to legal sufficiency and form:



Lorena E. Bravo, City Attorney

Ordinance was adopted by a 5-0-2 vote with Councilmembers, Zogby, Lozano, Casals-Munoz, Hernandez, and Cue-Fuente voting "Yes" and with Councilmembers Caragol and Garcia-Martinez absent.

EXHIBIT "A"

**APPLICATION N° 1
CITY OF HIALEAH COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT
TEXT AMENDMENT**

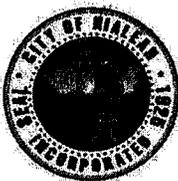
The following lists the Policies which shall be included in the City's adopted Comprehensive Plan.

The following revisions to this Element are recommended. Recommended additions are denoted by underline; deletions by ~~strikethrough~~.

1. Amend Policy 1.1.1, *Land Use Categories*, of the Future Land Use Element as follows:

Policy 1.1.1: Land Use Categories: The City shall maintain regulations for land use categories and a Future Land Use Map to ensure the coordination of future land uses with existing and adjacent land uses. The adopted Future Land Use Map shall contain and identify appropriate locations for the following land use categories, as defined in the date and analysis of this element.

LAND USE CATEGORIES	INTENSITY STANDARDS
* * *	
Mixed Use Hialeah Heights	Approximately 63% to 68% Retail Approximately 15% Office Approximately 5% to 10% Hotel Approximately 12% <u>Residential Affordable Housing</u> (40 units/gross acre)
* * *	

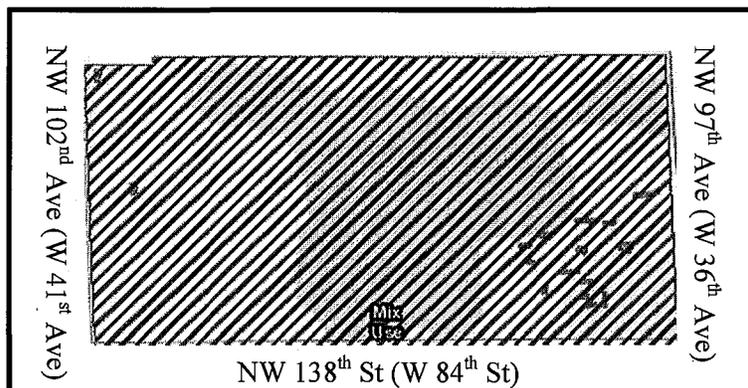


NOTICE OF COMPREHENSIVE PLAN TEXT AMENDMENT
PUBLIC HEARING

APRIL 11, 2018
Hialeah City Hall-3rd Floor

7:00 P.M.
501 Palm Avenue, Hialeah, Florida

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA EXPRESSING ITS INTENT TO APPROVE AND ADOPT A TEXT AMENDMENT TO THE FUTURE LAND USE ELEMENT OF THE CITY OF HIALEAH COMPREHENSIVE PLAN IN RELATION TO RESIDENTIAL USES WITHIN THE MIXED USE HIALEAH HEIGHTS LAND USE CLASSIFICATION. THE PROPOSED AMENDMENT WILL BE HEARD BY THE HIALEAH PLANNING AND ZONING BOARD, SITTING AS THE LOCAL PLANNING AGENCY, AS DEFINED BY CHAPTER 163.3164(30), FLORIDA STATUTES.



At the conclusion of the item, a recommendation for approval or denial will be made and forwarded to the Hialeah City Council for consideration at its regular meeting of April 24, 2018.

Information on the proposed text amendment can be obtained at the Hialeah Planning Division, 2nd Floor, Hialeah City Hall, 501 Palm Avenue, Hialeah, Florida 33010 or by calling at (305) 883-8075 between the hours of 8:00 A.M. to 11:30 A.M. and 12:30 P.M. and 4:00 P.M. Monday to Friday.

In accordance with the American Disabilities Act of 1990, persons needing a special accommodation to participate in this proceeding should contact the Planning Division no later than seven days prior to the proceeding. Telephone (305) 883-8075 for assistance. If hearing impaired, telephone the Florida Relay Service Numbers, (800) 955-8771 (TOD) or (800)955-8770 (VOICE), for assistance.

HIALEAH PLANNING DIVISION